

DISTRICT OF COLUMBIA RENTAL HOUSING COMMISSION

TP 28,013

In re: 4100 Massachusetts Avenue, N.W., Unit 1319

Ward Three (3)

RUSSELL L. LEE
Tenant/Appellant

v.

DEBRORAH PETONYAK
Housing Provider/Appellee

ORDER ON FILING BY FAX

February 3, 2005

BANKS, CHAIRPERSON. This case is on appeal to the Rental Housing Commission from a decision and order issued by the Rent Administrator, based on a petition filed in the Rental Accommodations and Conversion Division (RACD). The applicable provisions of the Rental Housing Act of 1985 (Act), D.C. Law 6-10, D.C. OFFICIAL CODE §§ 42-3501.01-3509.07 (2001), the District of Columbia Administrative Procedure Act (DCAPA), D.C. OFFICIAL CODE §§ 2-501-510 (2001), and the District of Columbia Municipal Regulations (DCMR), 14 DCMR §§ 3800-4399 (1991), govern the proceedings.

I. THE PROCEDURES

The procedural history is stated in the Commission's order dated December 20, 2004. On January 7, 2005, the Commission received a document, "Release of Counsel," filed by Russell L. Lee, Tenant. On January 28, 2005, the Commission received the "Request for Order Compelling Counsel to Return Retainer Fee" filed by the Tenant.

On February 2, 2005, the Tenant's counsel, Clarrissa Thomas-Edwards, filed by fax, "Opposition to Request for Order to Compel Counsel to Return Retainer Fee."

II. THE ISSUE

Whether the opposition to the Tenant's motion was properly filed in the Commission by fax.

III. THE LAW

The Commission has no rules which allow filings by fax. Pleadings attempted to be filed by fax must be rejected, because they violate the Commission's rule on filing pleadings. 14 DCMR § 3801 (1991). See Killingham v. Wilshire Investment Corp., TP 23,881 (RHC July 2, 1999) (where the Commission rejected a pleading filed by fax), cited in Redman v. Graham, TP 24,681 and TP 24,681A (RHC Mar. 25, 2003).

Moreover, D.C. OFFICIAL CODE § 42-3509.04 (2001) states the manner of service of pleadings and service by fax is not one of the permissible methods.

IV. THE CONCLUSION

Since the opposition pleading which the Tenant's counsel faxed to the Commission does not comply with the Commission's rules, the opposition is rejected.

SO ORDERED.


RUTH R. BANKS, CHAIRPERSON

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing ORDER ON FILING BY FAX in TP 28,013 was mailed by priority mail, with confirmation of delivery, postage prepaid this 3rd day of February, 2005, to:

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